1471

8 *July* 1822.

(Ireland.)

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

For the Appointment of Constables, and to secure the effectual performance of the Duties of their office, throughout *Ireland*.

Note.—*The Figures in the Margin denote the number of the Folios in the written Copy.*

N. B.—*The Clauses marked* (A. B. *and* C.) *were added in the Committee; and that marked* (D.) *on the Re-commitment.*

Preamble. Former Laws for the appointment of Constables found insufficient.

1 WHEREAS various modes have from time to time been adopted under divers Acts of Parliament in force in *Ireland*, for the appointment and regulation of Constables; and the said laws having been found insufficient, it is expedient to establish a new and more effective system throughout *Ireland*;

Lord Lieutenant empowered to appoint one Chief Constable for every Barony, and by Proclamation to require Magistrates to appoint Constables for every County,

BE it therefore Enacted by The KING's most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, THAT at any time after the passing of this Act, it shall and may be lawful to and for the Lord Lieutenant, or other
2 Chief Governor or Governors of *Ireland* for the time being, and he and they is and are hereby authorized and empowered by warrant under his or their hand, to appoint one Chief Constable for each and every or any barony or half-barony, or for any two or more baronies lying together and being in the same county in *Ireland*, and also by Proclamation to be inserted in the *Dublin Gazette*, to require the Magistrates in the commission of the Peace for any county in *Ireland*, to be assembled on a day to be named in such Proclamation, at the assize town of such county, and there to nominate such number of Constables and Sub-Constables in and for such county, as shall be specified in such Proclamation, not exceeding in the whole in any county a number after the rate of sixteen for each barony or half-barony, within such county, to be stationed in and through the several

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baronies and half-baronies in such counties; and that the Magistrates of such county so assembled, Ten at least being present, shall proceed to name such Constables or Sub-Constables accordingly; and that when any vacancy or vacancies shall arise, the Chief Constable of the barony or half-barony in which such vacancy shall arise, shall report the same to the Magistrates at the Quarter Sessions of such county, and such Magistrates shall thereupon proceed to fill up such vacancy or vacancies, by appointing another or other Constable or Constables, or Sub-Constable or Sub-Constables, to fill any such vacancy or vacancies as aforesaid: Provided always, That if the Magistrates of any county shall omit or neglect to assemble, as required by any such proclamation as aforesaid, or shall, from any cause, neglect or omit to nominate and appoint such number of Constables and Sub-Constables as shall be specified in such proclamation, within Fourteen days next after the day named in such proclamation, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to nominate and appoint such Constables and Sub-Constables: And it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, from time to time, at his or their pleasure, to remove all or any and every such Chief Constable or Constables, or Sub-Constables; and also to order such arms and accoutrements, saddles, bridles, clothing and appointments, to be delivered from His Majesty's Stores, to every such Chief Constable as such Lord Lieutenant, or other Chief Governor or Governors, shall from time to time think proper; and such arms and accoutrements, saddles, bridles, clothing and appointments, shall accordingly be delivered to such Chief Constable for the use of such Constable, and of all Constables who shall from time to time be within his district; and it shall and may also be lawful for such Lord Lieutenant, or other Chief Governor or Governors, in his or their discretion, to direct such horses to be purchased for such number of such Chief Constables and other Constables, as shall from time to time be thought proper and necessary by such Lord Lieutenant, or other Chief Governor or Governors, for the time being.

On neglect of Magistrates, Lord Lieutenant may appoint.

Lord Lieutenant may remove all such Constables.

Arms shall be delivered to Chief Constables for use of himself and Constables.

Horses.

3

CLAUSE (A) On certificate of Grand Jury, number of Constables may be increased.

Provided always, and be it Enacted, That in any case in which the Magistrates of any county, at the General Quarter Session for such county, shall certify to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, that the number of Constables so appointed for any county is inadequate to the due execution of the law within the same, or within any barony thereof, it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to direct the appointment, in the manner hereinbefore specified, of such further number of Constables for such county or barony as may be so certified to be necessary; and to remove such Constables from time to time, and to appoint others in their stead.

Chief Constable shall

And be it further Enacted, That such Chief Constable shall have the care of the arms and accoutrements, saddles, bridles, clothing and appointments

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appointments so to be delivered to him as aforesaid, and shall, at his discretion, deliver out the same or such part thereof as he shall think necessary, to the Constables or Sub-Constables in his district respectively, either for any particular occasions, as they shall occur from time to time, or generally to be kept and used by such Constables, or Sub-Constables, in the execution of their offices respectively; and such Chief Constable shall have full power at all times to require and call in the same, or such part or parts thereof as he shall think proper, from all or any one or more of such Constables or Sub-Constables, who shall forthwith deliver the same to him accordingly.

Chief Constable to have custody and disposition of arms.

And be it further Enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in such cases where he shall see fit and proper occasion so to do, to direct that suitable and fitting houses, with outhouses and appurtenances, and furniture, shall be provided for the residence of any such Chief Constable or other Constable respectively, as shall be for that purpose specified and directed by such Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being; and each and every Chief Constable who shall be appointed under this Act, while he shall hold such office, shall have and receive such salary not exceeding One hundred Pounds by the year, and rateably for any lesser period, and every Constable and Sub-Constable so appointed, shall in like manner have and receive such salary not exceeding Thirty-five Pounds by the year, as the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall from time to time direct and appoint.

Lord Lieutenant may order Houses, &c. to be provided for Chief Constables, &c.

Salaries.

Chief Constable not exceeding £. 100 a year.

Sub-Constables £. 35 a year.

And be it further Enacted, That every such Chief Constable and other Constable shall, before he shall do any act in his said office, take and subscribe the Oath here following; (that is to say)

Oath of Chief Constable and Constables.

"I, *A. B.* do swear, That I will well and truly serve our "Sovereign Lord the King in the office of Chief Constable "[*or*, Constable, *or* Sub-Constable, *as the case may be*] "without favour or affection, malice or ill will; that I will "see and cause His Majesty's peace to be kept and pre- "served, and that I will prevent, to the best of my power, all "offences against the same; and that while I shall con- "tinue to hold the said office, I will, to the best of my skill "and knowledge, discharge all the duties thereof, in the "execution of warrants, and otherwise faithfully according "to law. So help me GOD."

And the said oath shall be administered to the Chief Constable by any Magistrate for the county in open sessions; and the said oath shall be so administered to all Constables and Sub-Constables, and the said oath shall in all cases be subscribed by the person taking the same; and every such Chief Constable and other Constable having taken and subscribed the said oath, shall be to all intents and purposes a Constable in and for the county in which such Chief Constable or other

Power of such Constables.

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other Constable shall be appointed, until dismissed from his office by competent authority; and every such Chief Constable and other Constable shall have all such powers, authorities, privileges and advantages as any Constable duly appointed now has or can or may have by any law or laws in force in *Ireland*.

CLAUSE (D.) On representation of Magistrates of cities and towns, Chief Constable and Constables may be appointed under the regulations of this Act.

And be it further Enacted, That in any case in which any Three or more Magistrates acting in and for any city, or county of a city, or city and liberties, in *Ireland*, assembled at any General or Special Sessions, shall deem it expedient to require the appointment of a Chief Constable or Constables, and other Constables within and for such county of a city or county of a town, or city and liberties, under this Act, and shall recommend the same to the Lord Lieutenant, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to nominate and appoint one or more Chief Constable or Chief Constables as may be recommended by such Magistrates for any such county of a city, or county of a town, or city and liberties; and it shall be lawful for such Magistrates (subject to and under the provisions of this Act) to appoint such number of Constables as may be deemed necessary by such Magistrates for the preservation of the peace within such county of a city or county of a town, or city and liberties respectively; and every such Chief Constable, and all such Constables, when appointed according to the provisions of this Act, and having taken the oaths required by this Act, shall have all such powers and authorities, and shall be subject to all such rules and regulations as are given, contained, specified or directed in and by this Act with respect to Constables for counties at large; any statute, act, law, charter, custom or usage to the contrary in anywise notwithstanding.

Constables empowered to act in apprehending Offenders and levying Fines, &c. or forfeited Recognizances.

And be it further Enacted, That every such Chief Constable and other Constable shall have full power and authority to take and apprehend all offenders against any Act or Acts in force in *Ireland*; and every such Chief Constable and other Constable shall also execute all process to him directed, for levying the amount of any fine or fines which shall be imposed under any Act or Acts in force in *Ireland*, or for levying the amount of any recognizances forfeited to His Majesty, His Heirs and Successors, or of any fines imposed on any jurors, witnesses, parties, or persons at any assizes or commission of Oyer and Terminer, or Gaol Delivery, or Session of the Peace in the county in and for which such Constables shall be appointed pursuant to this Act.

CLAUSE (B.) Saving of Rights of Corporations, &c. to Fines.

Provided always, and be it Enacted, That nothing herein contained shall extend to deprive any corporation, or any person or persons, of any rights which they now have under their respective charters or patents, to any fines amerciaments or recognizances whatsoever.

And

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1476

And be it further Enacted, That all and every such Chief Constable and other Constables so appointed as aforesaid, shall, when required, attend on the Magistrates of the county at their sessions or elsewhere, and shall obey and execute all the warrants, orders and commands of such Magistrates; and if any such Chief Constable or other Constable shall neglect or refuse to obey, and execute any such warrant, or shall be guilty of any neglect or violation of duty in his office, every such Chief Constable or other Constable shall forfeit and be liable to such penalty, not exceeding Five pounds, as any two or more Magistrates after examination upon oath of one or more credible witness or witnesses, or upon confession of the party shall think proper to impose or inflict; and all Constables and Sub-Constables shall attend and obey their respective Chief Constables; and when any warrant, order, or command of any Magistrate shall be delivered or given to any such Constable or Sub-Constable, he shall, if the time will permit, shew or deliver the same to the Chief Constable under whose immediate command such Constable or Sub-Constable shall
7 then be, and such Chief Constable shall direct and appoint by indorsement thereon, such one or more of the Constables under his orders, and such assistant or assistants to him or them as such Chief Constable shall think proper, to execute such warrant order or command; and every such Constable whose name shall be so indorsed, and every such assistant as aforesaid, shall have all and every the same rights powers and authorities for and in the execution of every such warrant, order or command, as if the same had been originally directed to him or them, expressly by name.

Chief and other Constables, &c. shall attend and obey Magistrates.

Penalty on them for neglect.

Constables shall obey Chief Constables.

Execution of Warrants.

Provided always, and be it Enacted, That when any action shall be brought against any Constable for any act done in obedience to the warrant of any Magistrate, such Constable shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction in the Magistrate issuing the same, and such Constable may plead the general issue, and give such warrant in evidence; and upon producing such warrant and proving that the signature thereto is the hand-writing of the person whose name shall appear subscribed thereto, and that such person is reputed to be and acts as a Magistrate of such county or district, (as the case may be,) and that the act or acts complained of were done in obedience to such warrant, the Jury who shall try the said issue shall find a verdict for such Constable, and such Constable shall recover his costs of suit.

For protection of Constable in executing Warrant.

And be it further Enacted, That every such Chief Constable shall be constantly resident within the barony or one of the baronies for which he shall be appointed, and shall once at the least in every calendar month,
8 inspect all the Constables and Sub-Constables in his district, and all such of the arms and accoutrements, horses, saddles, bridles, clothes and appointments aforesaid, as may be in their possession respectively; and shall at all opportunities make diligent enquiry as to their conduct in the business of their office respectively; and shall, once in every three calendar

Chief Constable shall reside in the Barony, and monthly inspect Constables, their arms and conduct, and report quarterly to the Chief Secretary of Lord Lieutenant on Oath.

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dar months at the least, make a report to the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or in his absence, to the Under Secretary, and shall in such report set forth the name and residence of every Constable and Sub-Constable in his district, and shall state as to each of them what his general conduct in his office has been since the last preceding report, and whether in that time he has been guilty of any breach or omission of his duty, and whether he be sufficiently qualified for such office or not, and his age and state of health, and whether on the whole such Chief Constable considers him fit to be continued in such office or not; and at the foot of every such report, there shall be an affidavit of such Chief Constable before a Magistrate of such county, that such report is the full and exact truth, according to the best of his knowledge judgment and belief; and a copy of such report shall be furnished by such Chief Constable to the Magistrates assembled at their General Quarter Sessions of the Peace.

Lord Lieutenant may appoint Superintendents or Inspectors of Constables to make rules for directing their conduct, &c. to be confirmed by Justices at Quarter Sessions.

And be it further Enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, 9
from time to time, at his or their will and pleasure, to appoint from time to time, any one or more person or persons, not exceeding four in the whole, to be General Superintendents and Inspectors of the Chief Constables and Constables throughout *Ireland*, or in any part thereof, with such salary not exceeding in the whole the sum of Five hundred pounds by the year, as the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall from time to time direct and appoint; and every such person so appointed shall from time to time inspect the Constables in each province, county, barony or district in *Ireland*, committed to his superintendence and inspection, and shall from time to time report to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, upon the conduct and proceedings of all Chief Constables and other Constables in every such province, county, barony or district; and it shall be lawful for such Superintendent or Inspector (with the consent and approbation of such Lord Lieutenant, or other Chief Governor or Governors, signified by his or their Chief Secretary) to frame rules, orders and regulations for the conduct and proceedings of such Chief Constables and other 10
Constables, from time to time; and a copy of all such rules, orders and regulations, shall be laid before the Justices at the Quarter Sessions of the several counties, for the consideration of the Magistrates of such counties respectively; and it shall be lawful for the said Magistrates to reject, confirm, or to alter the same, and such rules, orders and regulations, when so confirmed or altered by the said Magistrates, and approved of by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall be transmitted by such
Superintendant and Inspector to the Chief Constable in every barony, for the guidance and direction of such Chief Constable and other Constables within the said barony, and a copy thereof shall on demand be produced by such Chief Constable to any Magistrate requiring to see the same.

And

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And be it further Enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, whenever he or they shall think proper so to do, to order and direct that any person having been appointed under this Act, to be a Constable for any county, shall go into and be Constable in and for any barony or baronies or half-barony in such county; and also to order and direct that any such Constable, or that any number of the Constables or Sub-Constables appointed under this Act, for any county, or any barony or baronies, at any time or times, shall go or repair to such place or places in any other county or counties, or in any county of a city, or county of a town, or barony or baronies in *Ireland*, as shall be mentioned in such order; and shall remain there or remove to and remain at any other place or places in the same or any other county or counties, and for such time and times, and shall finally return to their proper county, at such time and times respectively as shall be mentioned or directed in or by such order, or by any other order or orders which may from time to time be made by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, and every such order shall be obeyed accordingly: Provided always, That not more than two third parts of the existing establishment of Constables for any one county, shall be so removed or absent from such county at any one time.

Lord Lieutenant may order Constables to be employed in any Barony, &c.

or in any other County.

11

not exceeding 2-3ds.

And be it further Enacted, That if any Constable or Constables shall be so removed by or under any such order, out of his or their proper county or barony, he or they shall, in every county where he or they shall at any time be in obedience to such order, be aiding and assisting to the Magistrates of such county; and all and every such Constables and Constable who shall be so removed, shall obey the orders of such Magistrates, and shall in the execution of such orders, but not further or otherwise, be and be deemed and taken to be Constables of such county to which they shall go and be sent pursuant to this Act.

Constables shall obey Magistrates of the County where they shall be sent.

12 And be it further Enacted, That when any Chief Constable or other Constable shall be dismissed from, or shall cease to hold and exercise his office pursuant to this Act, all powers and authorities vested in him as a Constable, under and by virtue of this Act, shall immediately cease and determine, to all intents and purposes whatever; and every such person who shall be dismissed from his office shall be incapable of being again appointed a Constable; and if any such Chief Constable, or other Constable, shall not within one week after he shall be dismissed from, or shall cease to hold such office, deliver over all and every arms and accoutrements, horse, saddle, bridle, clothing or appointments supplied to him under this Act, to his successor in such office, (if such there shall be,) and if not, then to such person and at such time and place as shall be directed by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time

Constables dismissed shall lose their power, and shall deliver up arms, &c.

Penalty on Constables not delivering up arms to such Persons as may be deputed by Government to receive them £. 20.

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time being, every such person so offending, shall for every such offence forfeit the sum of Twenty pounds *Irish* currency, to be recovered before any two Magistrates of the county of which he may be or have been a Constable, by any person who shall sue for the same.

54 Geo. 3, c. 131, for appointing Magistrates in certain cases.

AND whereas in and by an Act made in the fifty-fourth year of the reign of his late Majesty King *George* the third, intituled, "An "Act to provide for the better execution of the laws in *Ireland*, by "appointing superintending Magistrates and additional Constables "in counties in certain cases," the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, is authorized and empowered, under the circumstances in the said Act mentioned, to appoint Chief Magistrates of Police, in manner and for the purposes in the said Act mentioned: AND whereas it may frequently be necessary and expedient that Magistrates should be appointed, in cases not provided for by the said recited Act; BE it therefore Enacted, That in any case in which seven or more Magistrates of any county at large, or three or more Magistrates of any county of a city, or county of a town, or city and liberties, duly assembled after notice given by Clerk of the Peace, at any General or Special Sessions, shall certify to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, that owing to the absence or non-residence of a Magistrate in any district of any such county, or for any other sufficient cause, to be stated in such certificate, it shall appear to such Magistrates to be expedient that a Magistrate should be appointed to reside within such district, city or town, it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, whenever he or they shall think it requisite and necessary so to do, to appoint, and at his or their pleasure to remove one or more Magistrate or Magistrates for any county at large, or for any part or district of any county, or for any district consisting of any parts of any two or more adjoining counties, or for any one or more barony or baronies in any county, and also for any county of a city, or county of a town, or city and liberties in *Ireland*, or for any district, consisting of any county, and of a county of a city or county of a town, or city and liberties, or any part or parts thereof respectively, except in all cases the county of *Dublin*, and the county of the city of *Dublin*.

On application of Magistrates, Lord Lieutenant may appoint resident Magistrates in any County, &c. in Ireland.

Powers of such Resident Magistrate so appointed.

And be it further Enacted, That every Magistrate who shall be so appointed under this Act, shall, on his appointment, forthwith take the oaths by law required, and in such manner as such oaths are by law required to be taken by Justices of the Peace in *Ireland*, and he shall thereupon, to all intents and purposes, be and become a Justice of the Peace in and for the county or counties in and for which he shall be appointed to be such Magistrate as aforesaid, and also for each and every county at large, or county of a city, or county of a town, or city and liberties adjoining to such his proper county, and shall (if there shall not be any such Magistrate in such adjoining county, city or town) have within such adjoining county, city or town, all the authority necessary for the due execution of the provisions of this Act,

And

And be it further Enacted, That every such Magistrate so appointed as aforesaid shall forthwith repair to his proper county barony or district, and shall not depart from the same, unless in and for the immediate and urgent execution of the duty of his office, without the express
17 permission of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, signified to him in writing by the Chief Secretary, or in his absence, by the Under Secretary.

Such Magistrate shall reside constantly in the County, &c.

And be it further Enacted, That every such Magistrate in any county, barony or district, shall once in every calendar month, and as much oftener as shall be necessary, or as he shall be required so to do, by any order signified by the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, or in his absence by the Under Secretary, make a return or report in writing signed by such Magistrate, to the office of the Chief Secretary in *Dublin* Castle, for the information of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*; and in every such monthly return or report, there shall be set forth a true and accurate account of the state of such county, barony or district, with respect to the peace and order thereof, and to the state of crime therein, and with respect to all measures taken since the last preceding monthly return, for His Majesty's service and for the public benefit in those respects; and in every special return which shall be so deemed necessary, or shall be required, and shall be made in obedience to any order as
18 aforesaid, there shall be contained a true and accurate account of every matter respecting which such return shall be required, or as shall be particularly specified in or by any such order.

Monthly and other Returns of the state of the County shall be made by such Resident Magistrate.

And be it further Enacted, That every such Magistrate, while he shall hold such office, shall have and receive such salary, not exceeding Five hundred pounds, by the year, as the Lord Lieutenant, or other Chief Governor or Governors shall from time to time direct, and rateably for any shorter period, and shall also have a suitable house and furniture, within the county, barony or district for which he shall be so appointed, if the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* shall judge the same to be requisite; or shall receive an annual allowance not exceeding two hundred pounds, in order to enable him to provide such house and furniture as aforesaid, at the discretion of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*.

Salary, &c. of such Resident Magistrate not exceeding £ 500.

And be it further Enacted, That in every county in or for which such Magistrate shall be so appointed, all and every Chief Constable and other Constables shall, when required, attend on such Magistrate, and shall obey and execute all the warrants, orders and commands of such Magistrate; and in the execution of the warrants of such Magistrate, or of any other Magistrate, every such Constable shall be a Constable in and for each and every county adjoining to the county in which the barony shall be situate for which such Constable shall have been appointed or shall act.

Chief Constables, &c. shall obey Resident Magistrates when appointed.

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Resident Magistrate shall report intelligence of treasonable or seditious offences to the Chief Secretary's office.

And be it further Enacted, That every such Magistrate so appointed shall, as speedily as the nature of each case shall permit, transmit to the office of the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in *Dublin* Castle, a true copy of every notice, examination, information or intelligence which he shall receive directly or indirectly, concerning any offence of a treasonable or seditious nature, or against the public peace, committed or intended to be committed in any part of *Ireland* whatever, together with such observations thereon as he shall think proper or fit to be made; and shall also be aiding and assisting to the other Magistrates of the County, to the Chief Magistrate of Police in the district of *Dublin* Metropolis, and to any Magistrates of Police who may be appointed in any of the several counties, or counties of cities, or counties of towns in *Ireland*, in the apprehending and bringing to justice any offender or offenders who may be in any county, county of a city, or county of a town in *Ireland*, and who may be suspected or accused of having committed any offence in any county, county of a city, or county of a town throughout *Ireland*; and all such Magistrates shall correspond with each other, and with the Magistrates of other counties respectively, concerning all such offenders and offences, when and as it shall be necessary so to do. 21

And all such Resident Magistrates shall assist and correspond with other Magistrates.

CLAUSE (C.) Magistrates and Constables under this Act, not to hold any other place or office.

And be it further Enacted, That no person shall be appointed under this Act to be a Magistrate or Chief Constable, or Constable, or Sub-Constable, who shall hold any other place or office of emolument; and that no person who shall be so appointed under this Act, shall be capable of holding any other place or office of emolument while he shall be such Magistrate, Chief Constable, Constable, or Sub-Constable, under this Act.

Advances may be directed by the Lord Lieutenant for expenses to be incurred under this Act.

And be it further Enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, to order that any such sum or sums as he or they shall think proper, shall from time to time be advanced and paid out of the produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, arising in *Ireland*, for the payment of the several salaries, and the purchase of arms, accoutrements, horses, bridles, saddles, appointments, houses, outhouses, furniture and accommodations aforesaid; and also for all rents and taxes payable for and in respect of such houses and appurtenances, and for repairing all such houses and appurtenances from time to time, and for the forage of such horses, and for the expenses of the Magistrates, or of any Constables or Sub-Constables when they shall respectively be absent on duty from their residences under the authority of this Act, and for all other necessary and reasonable costs charges and expenses in the execution of this Act; such payments to be made respectively to such persons, at such times, in such manner, and under such rules and regulations as shall from time to time be ordered and directed by such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, 22

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Ireland, and as shall be notified accordingly in the usual manner by the Chief Secretary, or in his absence by the Under Secretary.

Fines for illicit distillation, &c. levied under this Act, shall be applied in payment of sums advanced by orders of Lord Lieutenant.

And be it further Enacted, That all sums levied under this Act, or any other Act or Acts, for Fines, or for recognizances forfeited, or for fines imposed on any jurors, witnesses, parties, or persons at any assizes or commission of Oyer and Terminer, or Gaol Delivery, or
23 Sessions of the Peace in any such county, shall, after deducting all lawful expenses attending the levying the same, be applied in manner hereinafter mentioned, to or towards the repayment of the sums so advanced out of the said Consolidated Fund, and shall be paid at the receipt of His Majesty's Exchequer in *Ireland*, according to the course of the said Exchequer, and there carried to account accordingly.

Half of certain Expenses under this Act, shall be paid by the counties, the sums levied for fines, &c. being allowed in part.

And be it further Enacted, That one moiety or half part of the sums which shall be so advanced out of the produce of the said Consolidated Fund arising in *Ireland*, for the purpose of paying the salary and expenses of any Magistrate, Chief Constable, Constable or Sub-Constable, under this Act, or for the purpose of providing or repairing arms, clothing or accontrements for any such Constables, shall be repaid by such county, county of a city or town, or barony or half-barony, in or for which such Magistrate or Constables shall be respectively appointed; and that all such sums which shall be levied for any Fines and forfeited Recognizances as aforesaid, within such county, or county of a city or town, or barony or half-barony, shall be allowed and considered as part of such payment.

How moiety of such expenses in each county shall be ascertained and presented by Grand Jury, &c.

And be it further Enacted, That on the production to the Grand Jury of any county, or county of a city or town, of the certificate of the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, or of the Under Secretary, of the amount of money so advanced and paid out of the Consolidated Fund within such county, county of a city, or county of a town as aforesaid, or within any barony or half-barony in any county, and
24 also of a like certificate of the amount of the net produce of all sums so levied and received, for or on account of the several fines, and of recognizances forfeited, as hereinbefore mentioned, and deducting the same from the moiety of the amount of such advances, and striking a balance thereon, shewing how much of such moiety remains due and payable by such county, or county of a city, or county of a town, or barony or half-barony, it shall be lawful for such Grand Jury, and they are hereby required, to make a presentment for the amount of such balance, to be raised from off the county at large, county of a city, or county of a town, or from any barony or half barony in any county respectively, in the same manner as any presentment for Constables may by law be now raised therefrom; and it shall not be lawful for the court at any Assizes to fiat any presentment for raising any other money until such presentment for such expenses be first made and allowed; and

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whenever the amount of the said balance shall be levied, the same shall be paid over to the Collector of Excise of the district, to be accounted for by him as any other public money in his hands; and thereupon as to all advances mentioned in such certificate as aforesaid, such county shall be deemed to be discharged.

Reputation shall be evidence of appointment of Chief Magistrate, Constables, &c.

And be it further Enacted, That if at any time, or in any court, or on any occasion, any question shall arise as to the right of any Magistrate, or of any Chief Constable, Constable or Sub-Constable aforesaid, to hold, or execute any such office respectively, common reputation shall to all intents and purposes be deemed and held to be sufficient evidence of such right; and it shall not be necessary to produce or to prove any appointment, oath, affidavit or other document or matter whatsoever.

This Act not to extend to High Constables, Parish Constables or Leet Constables.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend or in anywise be deemed or construed to extend to repeal affect or take away the election or appointment of High Constables by Grand Juries, for the purpose of collecting the sums presented by such Grand Juries, or of Parish Constables or Constables of any Leet in *Ireland*, or to take away or diminish or infringe the powers or authorities of any such Constables in any respect whatever; any thing in this Act contained to the contrary in anywise notwithstanding; but no such Constable shall as such be entitled to any payment or salary under this Act.

On proclamation of appointment of Constables and Chief Constable, in any county, the following Acts shall be repealed as to such county; viz.

And be it further Enacted, That whenever under the provisions of this Act, the Magistrates in any county in *Ireland* shall have named the Constables or Sub-Constables for such county, and the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall, under the provisions of this Act, have named the Chief Constable or Chief Constables in any such county, a proclamation declaring the same shall thereupon be made by the said Lord Lieutenant, or other Chief Governor or Governors, which shall be notified in the *Dublin* Gazette, and thereupon the several Acts and parts of Acts hereinafter specified and set forth, shall be and stand repealed so far as they affect such county; that is to say, an Act passed in the Parliament of *Ireland*, in the thirty-second year of the reign of his late Majesty King *George* the third, intituled, "An Act for regulating the office of Constable, and "for better enforcing the process of the Criminal Law in certain "parts of this kingdom;" and also, so much of an Act passed in the Parliament of the United Kingdom, in the fifty-fourth year of the reign of his said late Majesty, intituled, "An Act to provide for the "better execution of the laws in *Ireland*, by appointing superintending "Magistrates and additional Constables in counties in certain cases," as relates to the appointment of any Constables by any Grand Jury, and so much of an Act passed in the fifty-ninth year of the reign of his said late Majesty, intituled, "An Act to limit the continuance of "the operation of the several Acts for imposing Fines upon Townlands "and

32 Geo. 3, c. 16.

54 Geo. 3, c. 131.

59 Geo. 3, c. 98.

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1483

" and places in *Ireland*, in respect of offences relating to the unlawful " distillation of Spirits, and to amend the said Acts, and to provide " for the more effectual prevention or suppression of such offences," as relates to the appointment and support of extraordinary Establishments of Police, consisting of Chief Magistrates and Chief Constables and Sub-Constables, in manner and for the purposes in the said Act mentioned; Save and except so far as the said Acts, or any of them, repeal any former Act or Acts of Parliament, or any Clause Matter or Thing therein contained: Provided always, That nothing herein contained shall be deemed or taken to invalidate, or render illegal or void, any act matter or thing done by any Magistrate, Chief Constable, Constable or Sub-Constable, or any of them, under or by virtue of the said Acts, or any of them, before the issuing of such Proclamation, and whilst the said Acts so hereby repealed were respectively in force.

Except as they repeal former Acts, &c.

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3 Geo. IV.—Sess. 1822.

(Ireland.)

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

For the Appointment of Constables, and to secure the effectual performance of the Duties of their Office, throughout *Ireland*.

Ordered, by The House of Commons, *to be Printed*,
8 *July* 1822.

536.

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